

## **REMARKS**

Claims 1, 7, and 15 have been amended. Claim 20 was allowed.

### **Drawings**

The objection to the drawings is believed to be overcome by amendment thereto. Enclosed herewith is a proposed drawing change, with the change marked in red ink. The change replaces the reference numeral "50" with "52" as designating "support frame 52".

### **35 U.S.C. §102 rejections**

Claims 1-6, 8-13 and 15-18 are rejected under 35 U.S.C. §102(b) as being anticipated by McDonald (US # 3,656,337). Applicants respectfully traverse this rejection. Claim 1 has been amended to include a comparator coupled to the weighing system to compare a continually sensed load from the weighing system with the continually sensed load combined with a reference load from the calibration system. As stated by Examiner in the allowability of claim 20, the comparison of the data is not taught or suggested.

Additionally, claim 1 claims "a weighing system that is capable of continually sensing load against the conveyor" and also includes "a calibration system for the weighing system that is capable of selectively applying a reference load to the weighing system without interrupting the ability of the weighing system to sense load against the conveyor." These elements and this structure are not taught by the McDonald '337 reference. In this reference, reference weight 58 is applied to load cell 36 only when air cylinder 60 extends and pivots test beam assembly 48. This raises elevating roller 68 which in turn raises conveyor belt 18 out of contact with roller 32. Roller 32 is attached to scale beam assembly 26 which engages load cell 36. When roller 32 is no longer in contact with conveyor belt 18, no load is placed on load cell 36. Thus, when reference weight 58 is used, the load can no longer be measured.

Examiner's assertion that the current apparatus and the apparatus of McDonald '337 are virtually identical is in error. The cited reference is not capable of applying a reference load without interrupting the ability of the weighing system, because when the reference load is applied it automatically interrupts the ability of load cell 36 from sensing the load since the load is no longer in contact.

Thus, there is substantial structure difference between the claimed apparatus and the cited reference.

Claims 2-6 depend from claim 1 and are in condition for allowance for the same reasons.

Claim 8 has not been amended, and is believed to be in condition for allowance for the same reasons. Again, the '337 reference is incapable of sensing a reference weight and a load since the structure definitively prevents this from occurring. Since each and every element of the claimed invention is not taught by McDonald '337, there can be no anticipation.

Claims 9-13 depend from claim 8 and are in condition for allowance for the same reasons.

Claim 15 has been amended to include "a reference load capable of being displaced so as to act on the load sensor concurrently with the conveyor". Again, the '337 reference is incapable of sensing a reference weight and the conveyor belt since the structure definitively prevents this from occurring. The conveyor belt is specifically lifted from contact with the sensing mechanism. Since each and every

element of the claimed invention is not taught by McDonald '337, there can be no anticipation.

Claims 16-18 depend from claim 8 and are in condition for allowance for the same reasons.

### **35 U.S.C. §103 rejections**

Claims 7, 14, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over McDonald (U.S. 3,656,337) in view of McDonald (U.S. 3,850,023). Applicants respectfully traverse this rejection. Claims 7, 14, and 19 each claim "a controller capable of comparing the load stimulus data to the test load stimulus data and adjusting the weighing system if the comparison of the load stimulus data and the test load stimulus data is unacceptable". This is structure for providing the step of comparing which the Examiner stated as the reasons for the allowability of claim 20. The comparison of the data is not taught or suggested by either of the references as admitted by Examiner, and therefore the structure for performing the step is also not taught or suggested. These claims are not merely claiming a programmable system for controlling a weighing system as taught by the '023 reference.

### SUMMARY

Since none of the applied references disclose apparatus similar to applicant's claimed structure and since none of the applied references can achieve the functions of the present invention, applicant believes that claims 1-19 are in condition for allowance. Claim 20 has been allowed.

In view of the foregoing, it is submitted that each of the claims is in condition for allowance. Withdrawal of the rejections and allowance of the claims is respectfully requested. Should there be any questions or remaining issues, Examiner is cordially invited to telephone the undersigned attorney for a speedy resolution.

Respectfully requested,



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